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MONTANA (1959–1989)
POLITICAL EVOLUTION—POLITICAL REVOLUTION

Ted Schwinden

It was a bitter cold night in early January 1959, when I nervously entered the Placer Hotel in Helena for the gathering of the Democratic House caucus which would set the stage before the first session the following morning.

A naïve and recently elected representative from Roosevelt County, I saw other people moving around the room, shaking hands, and conversing. I followed suit and, after about an hour, I found myself standing in front of an individual decked out in a plaid shirt, levis, and work shoes . . . probably someone looking for a job, I thought. But, we began to visit. In labored words, due to his childhood cleft pallet condition, he gave his name—Francis Bardanouve—and explained that he was also a representative . . . from Blaine County.

On that night, neither of us would know that we had begun a close personal friendship that would extend over thirty years. That I would be best man at his wedding. And that he and I would, over the next thirty years, become major players in the political arena as Montana government was totally transformed.

Francis Bardanouve became one of the longest serving members in the legislature and chairman of the powerful Appropriations Committee. There, he would use his authority to ride herd on the state budget, always finding dollars for education and the disadvantaged, but ever ready to roll back agency requests if he found that prior promises had not been kept.

I served two terms in the House, followed by losing my seat in the 1962 election. Over the next decade I became a voice for Montana agriculture, serving as president of the Montana Graingrowers and a member of the Board of Western Wheat. I also found time to address Democrats across the state from Wibaux to Libby when Republican governors Nutter and Babcock were pushing their conservative agenda culminating in a no-holes-barred press campaign to adopt a state sales tax in 1968. That effort triggered a political eruption that changed the face of Montana over the next three decades.

My role in that era of change began with my appointment in 1969 as State Land Commissioner by newly elected Democratic Governor, Forrest Anderson. Seven years later, I joined Governor Tom Judge as Lieutenant Governor as he successfully secured a second term in office. In this office I continued to play an active role in issues related to natural resources. Then, in 1980, I chose to challenge Judge in a fiercely contested

primary race. Against the odds, considering the fact that no individual in either party had successfully ousted an incumbent chief executive of the same party, this Tule Creek farmer moved into the second-floor corner office in the State Capitol.

As our participation in the Montana political scene was ending, Francis and I had many a long discussion about how fortunate we had been to be a part of this dramatic transformation. We were certain that future historians would conclude that, during the period from 1960 to the 1980s, Montana politics and Montana government were irrevocably changed.

Here, briefly, is what happened that would help historians reach the same conclusion:

- The aftermath of W.W. II
- The Save our State (“SOS”) push to adopt a sales tax.
- Breakdown of the longstanding alliance of Anaconda Copper, Montana Power, and the Montana Stockgrowers Association
- Purchase by Lee Newspapers of the Anaconda-owned newspapers, followed by a new era of investigative news reporting
- The focus on the need to reorganize state government, a priority of Governor Anderson who succeeded in winning voter approval for a Constitutional Amendment to limit the number of State Departments to 20, followed by passage of the Government Reorganization Act of 1971.¹
- Electing successive Democratic governors who occupied the executive office from 1969–1989
- Creation of the Constitutional Convention and a new Constitution approved by the people of the state with thoughtful and substantial statutory implementation by the legislature
- Establishment of the Legislative Council in 1957, followed by the creation of a Legislative Auditor and a Legislative Fiscal Analyst—the last two passing with powerful help from none other than Representative Francis Bardanouve
- Creation of a centralized state investment program

1. (An aside by Tom Towe: Republican Rep. Tom Harrison, Majority Leader and son of Chief Justice James Harrison, carried the Government Reorganization Act bill for Governor Anderson. It was probably the most significant piece of legislation in the 1971 session. He moved the bill do pass and explained it in detail on the House floor, actually doing a pretty good job. Then before he sat down, he announced that he was going to vote against it, and he did. But it still passed.)

- The enactment by the federal government in the Nixon years of the Environmental Policy Act, triggering comparable legislation in Montana, which was advanced by Billings Republican George Darrow

Had a former legislator from the 1930s visited the 1959 session; he would have felt pretty much at home. The longstanding coalition of copper, utility, and cowboy was still a powerful presence. On the seventh floor of the Placer Hotel, Anaconda had a “birthday party” nearly every evening where thirsty legislators could enjoy a drink in a hospitable environment and build a first-class club sandwich while they (mostly male) chatted with their hosts (mostly male). If there was any evidence that the old coalition was about to start crumbling, Francis Bardanouve and I were too naïve to discern the change.

But, two years later, in 1961, change was evident. Governor Don Nutter, an Eastern Montana strong and brash conservative, was celebrating his strong victory, and his first promise was to get the cost of state government under control. However, it soon became apparent that cracks had developed in the old lobbying triumvirate. While he and his administration laid plans for the future of the state, they failed to recognize that a change had occurred in Montana, a change in which the thousands of Montana service men and women returned from W.W. II with a new perspective.

It has long been recognized that war has a profound impact on those who serve, whether that service involves combat experience or just the exposure to other cultures. It was hard for this youngster from Tule Creek to come to grips with the European culture which predated that of America by hundreds of years, and ever more so when I completed my service in the jungles of Asia. War changes individuals, as we see sadly documented today by the growing number of our Middle Eastern warriors who suffer from PTSD after repeated assignments to Iraq and Afghanistan.

But the most telling change that occurred after W.W. II was a historic piece of legislation adopted by Congress . . . the G.I. Bill. That measure offered to the 15 million-plus homecoming veterans the chance to get a free education in college or in trade school. Prior to 1941, in the United States, university education was a fantasy for most young high school graduates. Overnight, the door opened for millions of veterans to become professionals. The G.I. Bill set the stage for the creation of an educated citizenry, which Thomas Jefferson told us years earlier was crucial for the American experiment in democracy to succeed.

In towns like Wolf Point, Wibaux, and Polson, Chamber of Commerce fathers had long faithfully accepted their role as conservative

watchdogs of their community. However, their sons and daughters embraced their college education and wartime experience and saw Montana in a vastly different way.

In the postwar years, the United States enjoyed an economic boom fueled by the Marshall Plan, and the public was hungry to make the purchases they were denied as war waged from 1941 to 1946. While Montanans shared in the improved economy, the state once more was faced with a government struggling to meet the needs of its people. Republican Governor Hugo Aronson left office, leaving a significant budget shortfall in 1959, and the Democratic legislature passed income tax surcharges to put the budget in balance. The response was a successful effort in 1962 by the GOP and the Montana Chamber of Commerce to replace the Democratic legislators. In statewide "Taxorama" public meetings, the sponsors hammered the 'taxers' for taking the peoples' money. The strategy worked. Republican Governor Donald Nutter was easily elected, and the Democrats lost their 2 to 1 House majority to a GOP edge of the same margin.

When Governor Nutter was killed in a plane crash in 1964, Lieutenant Governor Tim Babcock took the seat. Then, elected in 1964 for a full term, Babcock and the GOP struggled to meet the growing demand for more state dollars for education, institutions, and other state programs. As the 1968 election grew closer, Governor Babcock and the republican legislators proposed the enactment of a state sales tax. Montana, they argued, needed all three legs on a symbolic stool: income tax, sales tax, and property tax. Their sidekick nonprofit group created an organization to fund a statewide campaign to convince the people of Montana of the need to adopt a sales tax. Of course, they named it Save Our State to stress the urgency.

Democrats chose Attorney General Forrest Anderson in a hotly contested primary, and his effective response to the GOP effort was "Pay More, What For?" Anderson suggested that state government needed a major overhaul, and he proposed that the 100 state boards, bureaus, and commissions made it virtually impossible for a governor and legislature to be effective. His resounding slogan became "Twenty is Plenty!"²

Montanans have long questioned the need and fairness of sales

2. (History professor Harry Fritz, at the University of Montana, has written an excellent paper examining the extensive damage to the Montana Republican Party that the sales tax push created. In summary, it gave Democrats control of the governorship from 1969 to 1989, and it extended the impact to the legislature and the delegates to the Constitutional Convention.)

taxes. But the crushing defeat of its 1968 proponents came about due in part to a young reporter for the Lee newspaper chain—Dan Foley. Foley was able to document the fact that the funding for the SOS campaign was primarily big corporate dollars from corporations that would receive mammoth benefits from the re-adjustment of the tax burden. His exposé not only helped defeat the sales tax initiative, it also encouraged other reporters to initiate further investigation into politics and state government. Well before Woodward-Bernstein exposed the crimes of Richard Nixon in the Watergate scandal, Montana investigative reporters were looking aggressively into the smoky dark rooms of corporate and political decision making.

The door was unlocked for this kind of investigative reporting because of the Anaconda Company's sale of its newspapers. Until then, the only major independent paper in Montana was the Great Falls Tribune. With the buyout of the Anaconda papers, the Lee newspapers began to hire reporters ready and eager to accept responsibility for investigative work. With this quiet but earthshaking event, the "fourth estate" was finally able to monitor and report government activities to help assure the Montana public that their state government was honest and effective.

The Anderson administration moved quickly on its promise to reorganize the executive branch, and it coupled that effort with a successful move to centralize the investment of state funds by creating a new state office to invest all state funds in appropriate instruments. Open also to local governments, the new investment office pulled dollars from local banks and, with guidance from an appointed board, significantly enhanced returns on surplus monies.

The work to reduce the number of state agencies was spearheaded by the savvy law professor, Duke Crowley, close associate of the governor. Over the course of the following months, Crowley and his helpers put together a large number of proposed changes to submit to the legislature. The legislature responded by enacting the most sweeping changes in the executive branch since territorial days. Coupled with the 1972 adoption of a new Montana Constitution, executive reorganization transformed Montana state government to an extent that few could have imagined only a decade earlier.

For the first time, a Montana governor would have the authority to name department heads directly responsible to the chief executive. Thereby the governor would be held fully accountable for the success, or failure, of his programs. But, this newly acquired executive power would also have to interface with legislative power which had also been modified to increase effectiveness in the traditional check-and-balance of American government.

In 1957, the Montana legislature created a new entity—the Montana Legislative Council, which was a bipartisan group of senators and representatives authorized to operate between sessions. It was empowered to authorize studies, hold hearings, and make recommendations to the next legislative session. Promptly challenged by conservatives on constitutional grounds, the courts ruled that the Council was sound and here to stay. The Council not only stayed, but it was strengthened subsequently and dramatically by the creation of a Legislative Auditor in 1967 and a Legislative Fiscal Analyst in 1975. This was the final lynchpin giving meaningful muscles to the legislative branch to exercise real check-and-balance responsibilities. Representative Francis Bardanoue, respected Chair of the powerful House Appropriations Committee, was an essential strategist and effective leader in establishing this overdue rebalancing process.

Now, we could honestly say that a former legislator from the 1930s would have been stunned by the sight of this metamorphosed legislative animal with real and effective teeth.